



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

NOV 11 2011

OFFICE OF THE  
REGIONAL ADMINISTRATOR

Colonel William J. Leady  
District Engineer, Sacramento District  
U.S. Army Corps of Engineers  
1325 J Street, 14<sup>th</sup> floor  
Sacramento, California 95814-2922

Subject: Decision Not to Seek Higher Level Review of Department of Army Permit SPK-2004-00284

Dear Colonel Leady:

We have received the U.S. Army Corps of Engineers (Corps) Notice of Intent to Proceed (NOI) and draft permit for the Madera Ranch Groundwater Recharge Bank. Since January 11, 2010, when EPA determined that the vernal and alkali wetlands impacted by the project are aquatic resources of national importance, EPA has worked closely with the Corps, Bureau of Reclamation (BOR), Madera Irrigation District (MID), and other resource agencies to minimize project impacts. As a result, the draft permit now authorizes a "Reduced Alternative B" with substantially fewer environmental impacts. Specifically, the draft permit:

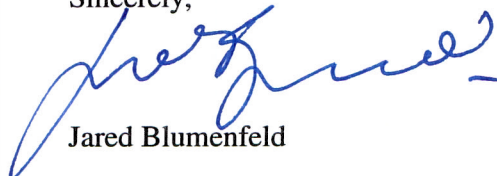
- Reduces direct impacts to vernal/alkali pools from over 6 acres to 3.5 acres.
- Expands mitigation ratios with 5,812 acres (including 27 acres of vernal/alkali pools) to be set aside and protected in perpetuity with the California Rangeland Trust.
- Requires establishment of 7 acres of new vernal pool habitat on-site.
- Reduces Phase 2 constructed recharge basins, if needed, from 1,000 to a maximum of 323 acres.
- Reduces flooded swales from 700 acres to 550 acres.

These changes have adequately addressed EPA's concerns and I will not seek a higher level review of the draft permit at EPA's Office of Water pursuant to paragraph 3(d)(1) of our agencies' Memorandum of Agreement (MOA) under the Clean Water Act (CWA) Section 404(q).

EPA supports groundwater recharge projects utilizing existing infrastructure, which can be faster and less costly to implement than other water supply augmentation techniques, and increase water management flexibility to potentially restore more natural flow patterns in the Central Valley. The impact reductions above are substantial and demonstrate that achieving important groundwater recharge goals needn't come at the expense of unacceptable impacts to rare surface aquatic resources. We commend BOR and MID for providing the leadership that made these impact reductions possible.

I appreciate your cooperation throughout this process, and the hard work and professionalism of your staff. If you have any questions or would like to discuss this matter further, please contact me at (415) 947-8702 or Alexis Strauss at (415) 972-3572.

Sincerely,



Jared Blumenfeld

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cc: Colonel Michael C. Wehr, Commander  
South Pacific Division  
U.S. Army Corps of Engineers  
1455 Market Street  
San Francisco, CA 94103-1398

Lance Johnson, General Manager  
Madera Irrigation District  
12152 Road 28 1/4  
Madera, California 93637-9106

Kenneth Sanchez, Assistant Field Supervisor  
U.S. Fish and Wildlife Service  
Sacramento Fish and Wildlife Office  
2800 Cottage Way  
Sacramento, CA 95825

Pamela Creedon, Executive Officer,  
Central Valley Regional Water Board,  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

Jeff Single, Regional Manager  
California Department of Fish and Game  
1234 E. Shaw Avenue  
Fresno, CA 93710